

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Suits - SRBC - Earth work excavation, lining of canal and construction of structures on zillella major, its minors and sub-minors in Block No.7 of SRBC - ASMP No. 1924 of 2012 in A.S. No. 872 of 2011 on the file of Hon'ble High Court of A.P. filed against the Judgment and decree in O.S.No.3 of 2005 on the file of III Additional District Judge, Kurnool at Nandyal - conditional interim stay - Granted - Sanction of half of the decretal charges for an amount of Rs.2,55,51,000/- - accorded - Orders - Issued.

IRRIGATION & CAD (M&MI-R.III.1) DEPARTMENT

G.O.Ms.No. 11

Dated:21.02.2013

Read:-

From the Chief Engineer(P), Irrigation, Kurnool, Lr.No.CE(P)/
Knl/DEE2/ AEE1/SRBC(ARB)/229 Govt., dated:09.11.2012.

ORDER :

The Chief Engineer(P), Irrigation, Kurnool in the letter read above has reported that the work of "Earth work excavation, lining of canal and construction of structures on zillella major, its minors and sub-minors in Block No.7 of SRBC" was awarded to M/s. J.K. Constructions, Hyderabad vide SE's agreement No.4 SE/98-99 dated 18-5-1998 for Rs.14,01,77,425/- and the work is to be completed in 24 months.

2. The work comprises of excavation of canal as per drawings, filling with CNS soils, compaction, re-excavation to the specified sections, concrete lining in the bed of canal and fixing precast cement concrete slabs on both sides of the canal. The work was completed on 28-2-2002 and final bill was paid to the contractor on 30-9-2004.

3. The contractor filed suit under order VII Rule 1 CPC for recovery of Rs.5,48,22,147/- being the damages for breach of contract committed by the department, release of unauthorized deductions made from the bill and interest for late payments together with interest at the rate of 12% per annum from the respective dates till payment under agreement.

4. The III Additional District Judge, Kurnool at Nandyal delivered the Judgment on 28-6-2011 in O.S.No.3/2005, filed by M/s.J.K.Constructions, represented by its Managing Partner, A.B.Venkata Ramana Reddy by decreeing the suit partly for Rs.3,69,28,762/- along with granting interest at 6% per annum on Rs.2,80,64,167/- from the date of registration of suit i.e. from 16-6-2005 till the date realization. The court also directed to pay Rs.14,74,858/- being proportionate cost of the suit.

5. The department filed a suit A.S.No. 872 of 2011 against the Judgment in O.S.No.3/2005 in Hon'ble High Court, Hyderabad on 27-9-2011. Meanwhile the contractor filed E.P. 6/2012 in the III Additional District Judge Court, Kurnool at Nandyal and stay petition was filed in Hon'ble High Court, Hyderabad by the department against the E.P. 6/2012. The Hon'ble High Court in its order dated:17-10-2012 in ASMP No.1924 of 2012 in AS.No.872 of 2011 granted conditional stay by ordering to deposit 50% of decretal amount within 8 weeks from the date of the order and on such deposit, the decree holder is permitted to withdraw the said amount on furnishing security (or) bank guarantee to the satisfaction of the trial Court.

(PTO)

::2::

6. The Advocate General, A.P., Hyderabad in his Lr.No.969 of 2012, dated:17-10-2012 has advised to comply with the orders of the Hon'ble High Court within the time stipulated by the Court.

7. The Chief Engineer(P), Irrigation, Kurnool has therefore requested that sanction may be accorded for an amount of Rs.2,55,51,000/- as shown below towards deposition of half of the decretal charges in the court of III Additional District Judge, Kurnool at Nandyal as per the Advocate General, A.P., Hyderabad Lr.No.969 of 2012 dated 17-10-2012.

50% of the decretal amount Rs.3,69,28,762 : Rs. 1,84,64,381/-

50% of interest at 6 % from 16-6-2005 to
31-12-2012 on Rs.2,80,64,167/- : Rs. 63,49,039/-

50% of the suit cost Rs.14,74,858/2 : Rs. 7,37,429/-

Rs. 2,55,50,849/-

Or say Rs.2,55,51,000/-

8. After careful examination of the issue it is decided to deposit half of the decretal amount and accordingly sanction is hereby accorded for an amount of Rs.2,55,51,000/- (rupees two crores fifty five lakhs and fifty one thousand only) towards depositing half of the decretal charges in the court of III Additional District Judge, Kurnool at Nandyal in O.S.No.3/2005 as per the Hon'ble High Court orders dated:17.10.2012 in ASMP.No.1924 of 2012 in AS.No.872 of 2011 and the opinion of Advocate General, A.P., Hyderabad in the Lr.No.969 of 2012 dated 17-10-2012.

9. The expenditure sanctioned in para (8) above shall be debited to the head of account "MJH 4700 SMJH 01 MH 121 SRBC (NSRS) GH 11 NSP SH 27 C & D – 530 Major works – 531 Other Expenditure(Charged)" by way of re-appropriation.

10. The Chief Engineer(P), Irrigation, Kurnool shall take further action in the matter and verify and confirm that the decretal amount is in tune with the orders of referral Court.

11. This order issues with the concurrence of Finance(W&P) Department vide their U.O.No.3996/F4 (A1)/12-1, dated:12.12.2012.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B. ARAVINDA REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Chief Engineer(P), Irrigation, Kurnool.

Copy to:-

The Accountant General, A.P, Hyderabad.

The Director of Works & Accounts, Hyderabad.

The Finance (W&P)Department.

The OSD to M(M&MI).

The PS to Prl.Secretary (AR).

SF/SCs.

//FORWARDED::BY ORDER//

SECTION OFFICER